

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANJAY TRIPATHY,

Plaintiff,
-against-

21 CIVIL 5349 (VB)

JUDGMENT

MARIA FEUZ; JACQUELINE REID; LUIS
GONZALEZ; JOHN WOOD; EDWARD
BURNETT; JEFF MCKOY; TINA M. STANFORD;
MICHELLE HARRINGTON; KATHY HOCHUL;
RYAN BROZT; BRIAN MCCALLISTER; and
ANTHONY ANNUCCI,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated October 24, 2022, the motion to dismiss under Rule 12(b)(1) is GRANTED as to plaintiff's claims for declaratory and injunctive relief against the Fishkill Defendants. The motion to dismiss under Rule 12(b)(6) is GRANTED as to the Fishkill Defendants and the Albany Defendants. The motion to dismiss under Rule 12(b)(3) is DENIED. The motion to transfer this action as against Dr. Ryan Brotz and the DOCCS Defendants is GRANTED. All claims against the Fishkill Defendants and the Albany Defendants are dismissed. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The action is transferred to the U.S. District Court for the Western District of New York.

Dated: New York, New York

October 26, 2022

RUBY J. KRAJICK

Clerk of Court

BY: *K. Mang*

Deputy Clerk